



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,113	09/29/2003	David W. Pedlar	555255012584	2434
44208	7590	01/12/2007		
DOCKET CLERK PO BOX 12608 DALLAS, TX 75225			EXAMINER ADDY, ANTHONY S	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,113

Applicant(s)

PEDLAR ET AL.

Examiner

Anthony S. Addy

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 20, 2006.

Claims 1-9 are pending in the present application.

Response to Arguments

2. Applicant's arguments filed on October 20, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that, "neither Sharma or Zeira, singularly or in combination, teach, suggest, or render obvious the claimed limitation of "a reconfiguration procedure is canceled in response to a trigger event which indicates that a cell update is required (see page 2, fourth paragraph and page 3, third and fourth paragraphs of the response)," examiner respectfully disagrees and maintains that Sharma in view of Zeira meets the limitations as claimed. Examiner reiterates that Sharma teaches a wireless transmit/receive unit (WTRU) and method for wireless communications, wherein the transceiver is configured to transition from a monitoring state upon occurrence of predefined WTRU events, such as ***an event requiring a cell update procedure*** (see abstract, p. 5 [0071] and Figs. 3 & 4); and performing a reconfiguration procedure during the occurrence of the event requiring a cell update procedure (see p. 2 [0018-0019 & 0029]). Examiner respectfully agrees with applicants' argument that Sharma does not explicitly teach canceling a reconfiguration procedure in response to a trigger event and maintains that it is because of this fact that Zeira is cited in the 35 U.S.C. 103 (a) rejections to teach the cancellation of a

Art Unit: 2617

reconfiguration procedure. Examiner reiterates that Zeira clearly meets the above limitation missing in Sharma as set forth in the rejections, since Zeira teaches the cancellation of a radio link reconfiguration procedure in response to an event, such as changes in physical resources or an unsuccessful back-to-back allocation when the activation time is invalid (see p. 15 [0512-0513], p. 16 [0524-0525], p. 17 [0549] and p. 18 [0550]). Examiner further maintains that Zeira need not specifically reference a trigger event which indicates that a cell update is required, since such features are already taught by the primary reference, i.e. Sharma, and hence the above teaching of Sharma as modified by Zeira clearly teaches and meets the claimed limitations of "a reconfiguration procedure is canceled in response to a trigger event which indicates that a cell update is required."

Furthermore it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the present application, applicant's arguments are based on considering each reference individually while the rejection is based on a combination of references, hence the rejections using the combination of Sharma and Zeira are proper and maintained as repeated below. The rejections are made **FINAL**.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sharma, U.S. Publication Number 2005/0009527 A1 (hereinafter Sharma)** and further in view of **Zeira et al., U.S. Publication Number 2004/0114574 A1 (hereinafter Zeira)**.

Regarding claims 1 and 6, Sharma discloses a user equipment and a method of performing a cell update during a reconfiguration procedure in a user equipment in a communications system (see abstract, p. 5 [0071] and Fig. 3), the method comprising the steps of: receiving a reconfiguration command (see p. 2 [0029]); and detecting a trigger event which indicates that a cell update is required (see p. 5 [0071] and Fig. 3).

Sharma fails to explicitly teach the reconfiguration command includes an activation time at which a reconfiguration is to be applied and canceling the reconfiguration procedure in response to the trigger event.

In an analogous field of endeavor, Zeira teaches a method of reconfiguring a wireless transmit receiver unit, wherein the reconfiguration command includes an activation time at which a reconfiguration is to be applied (see p. 6 [0106], p. 17 [0549-0550] and p. 19 [0556]) and canceling the reconfiguration procedure in response to a trigger event (see p. 15 [0512-0513], p. 17 [0549-0551] and p. 19 [0556]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Sharma with the teachings of Zeira, wherein the

reconfiguration command includes an activation time at which a reconfiguration is to be applied and canceling the reconfiguration procedure in response to the trigger event, in order to inform a wireless transmit receiver unit on when to perform a reconfiguration at an activation determined by a radio network controller during the occurrence of an unsuccessful or successful resource allocation as per the teachings of (see p. 15 [0512-0513], p. 16 [0524-0525] and p. 19 [0556]).

Regarding claims 2 and 7, Sharma in view of Zeira teaches all the limitations of claims 1 and 6. Zeira further teaches a user equipment and a method, comprising canceling the reconfiguration procedure if the trigger event occurs before the activation time (see p. 15 [0512-0513] and p. 17 [0549-0551]).

Regarding claims 3 and 8, Sharma in view of Zeira teaches all the limitations of claims 1 and 6. Zeira further teaches a user equipment and a method, wherein the reconfiguration procedure includes applying the reconfiguration at the activation time, the method further comprising canceling the reconfiguration procedure if the trigger event occurs before the reconfiguration has been applied (see p. 15 [0512-0513], p. 17 [0549-0551] and p. 19 [0556]).

Regarding claim 4, Sharma in view of Zeira teaches discloses all the limitations of claim 1. Sharma further teaches a method, further comprising initiating the cell update (see p. 5 [0071] and Fig. 3).

Regarding claim 5, Sharma in view of Zeira teaches all the limitations of claim 1. Zeira further teaches a method, in which the user equipment communicates with a

Art Unit: 2617

UTRAN, further comprising sending a Reconfiguration_FAILURE message to the UTRAN (see p. 12 [0366-0367] and p. 15 [0500]).

Regarding claim 9, Sharma in view of Zeira teaches all the limitations of claim 6. Sharma further teaches a user equipment, wherein the communications system comprises a UMTS system (see p. 6 [0077 & 0084]).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.A


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600